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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,889

12/05/2003

Todd D. Wakefield

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9228

7590

05/22/2006

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EXAMINER

TIMBLIN, ROBERT M

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,889

Applicant(s)

WAKEFIELD ET AL.

Examiner

Robert M. Timblin

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 10 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action corresponds to application 10/729889.

The application has been entered and claims 1-32 are pending prosecution.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 1/7/2005 and 3/8/2004 are entered and are being considered by the examiner.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending applications 10/729,883, 10/729,833 ('833) and 10/729,888 ('888), all filed by Wakefield et al.

The following table indicates the similarities of the proposed double patenting issue. The last column displays application 10/729,883 sharing correlation to the instant application. Differences between copending applications and the instant one have been underlined.

Claim 1	Instant Application	10/729,883	10/729,833	10/729,888
	accessing a database of structured data, the structured data comprising a set of data tuples	accessing a database of structured data, the structured data comprising a set of data tuples	accessing a database of structured data, the structured data comprising a set of data tuples	<u>reading a first access reference through said input device set, the first access reference</u> <u>referencing a customer's database of structured data containing a set of data tuples</u>
	accessing a source of unstructured data, the unstructured data including free text relatable to the data tuples of the structured data	accessing a source of unstructured data, the unstructured data including free text relatable to the data tuples of the structured data	accessing a source of unstructured data, the unstructured data including free text relatable to the data tuples of the structured data	<u>reading a second access reference through said input device set, the second access reference</u> <u>referencing a customer's source of unstructured data, the unstructured data including free text relatable to the data tuples of the structured data</u>
	extracting relational facts from the free text	extracting relational facts from the free text		accessing the source of unstructured data through said second access reference
	producing a set of construed data, each construed datum containing at least one relational fact,	producing a set of construed data <u>reflecting at least one relational fact conveyed in the free text,</u> each construed	Interpreting the free text to produce a set of construed data reflecting at least one relational fact conveyed in the free text, each	interpreting the free text of the unstructured data to produce a set of construed data reflecting at least one relational fact conveyed in the free

Art Unit: 2167

	each construed datum being further relatable to a data tuple of the structured data	datum containing at least one relational fact, each construed datum being further relatable to a data tuple of the structured data	construed datum relatable to a data tuple of the structured data.	text, each construed datum relatable to a data tuple of the structured data
	and integrating the produced data with the data tuples of the structured data.	Integrating the produced data with the data tuples of the structured data;	integrating the produced data with the data tuples of the structured data.	accessing the database of structured data; and integrating the produced data with the data tuples of the structured data
		<u>and data mining the integrated data.</u>		

As seen here, claims 4-6 of the instant application correlate to the limitations claim 1 of '833

Claim	Instant Application	Claim	10/729,833
5	producing a new database containing the integrated data produced by said integrating	1	Storing the integrated data produced by said integrating to the at least one storage media device in the form of a database
6	inserting the produced data into the database of structured data while performing said integrating the produced data		

4	interpreting the free text	1	Interpreting the free text...(third limitation)
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As seen here, claim 11 of the instant application correlate to the limitations of claim 1 of '888.

Claim	Instant Application	Claim	10/729,833
11	a processing unit coupled to said one or more storage media devices, said processing unit being capable of executing said instructions; and an execution command unit, whereby operation of said instructions and said processing unit may be commanded or controlled.	1	a processing element; one or more data access ports, said ports providing access to data by said processing element; a set of one or more input devices readable by said processing element; a storage device, said storage device containing instructions executable by said processing element (first 3 limitations).

Although portions of the conflicting claims are not identical, they are not patentably distinct from each other for the following reasons set forth below.

As can be seen, claim 1 of the instant application is essentially the same as claim 1 of application '883. The notable difference appears in the last limitation of '883 where '**data mining the integrated data**' is recited.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to omit an element such as '**data mining the integrated data**' if the remaining elements perform the same desired functions. A person of ordinary skill could have arrived at the present claims by omitting this detail.

Art Unit: 2167

As can be seen, claims 1, and 4-6 of the instant application is essentially the same as claim 1 of application '833.

As can be seen, claim 11 of the instant application is essentially the same as claim 1 of application '888.

Claim Objections

Claims 4 and 21 are objected to because of the following informalities: this claim lacks antecedent basis for "said interpreting the free text" as it is not mentioned prior to this claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by **Gaizauskas et al.** "Information Extraction: Beyond Document Retrieval" August 1998. ('**Gaizauskas**' hereinafter).

With respect to claims 1, and 18, **Gaizauskas** teaches A computer program product located to one or more storage media devices usable to perform integration of mixed format

data, said computer program product comprising instructions executable by a computer to perform the functions of:

'accessing a database of structured data, the structured data comprising a set of data tuples' (paragraph 1: introduction).

'accessing a source of unstructured data, the unstructured data including free text relatable to the data tuples of the structured data' (paragraph 1: introduction).

'extracting relational facts from the free text' as information extraction and parsing (section 3 and 3.1).

'producing a set of construed data, each construed datum containing at least one relational fact, each construed datum being further relatable to a data tuple of the structured data' (figures 4 and 5 and *data mining*, page 52).

'integrating the produced data with the data tuples of the structured data' (abstract and page 39 section 3.2.3)

With respect to claims 2 and 19, **Gaizauskas** teaches **'accessing a source of unstructured data accesses unstructured data contained within the database of structured data'** (abstract and figure 2, page 35).

With respect to claims 3 and 20, **Gaizauskas** teaches **'accessing a source of unstructured data and said accessing a database of structured data access two separate data sources'** (figure 2, page 35).

With respect to claims 4 and 21, **Gaizauskas** teaches **'applying caseframes while performing said interpreting the free text'** (page 33, first paragraph).

With respect to claims 5, 7, 8, 22, 24, and 25 **Gaizauskas** teaches **'producing a new database containing the integrated data produced by said integrating'** whereby a structured database is created (first paragraph of introduction and page 50, section 5.1.3).

With respect to claims 6 and 23, **Gaizauskas** teaches **'inserting the produced data into the database of structured data while performing said integrating the produced data'** (introduction, first paragraph).

With respect to claims 9 and 26, **Gaizauskas** teaches **'to produce a file containing the integrated data produced by said integrating'** (number 2 on page 29 and figure 2).

With respect to claims 10 and 27, **Gaizauskas** teaches **'to produce a file having a format selected from the group of XML, character separated values, spreadsheet formats and file-based database structures'** (figure 1 on page 20 and number 2 on page 29).

With respect to claim 11, **Gaizauskas** teaches **'a processing unit coupled to said one or more storage media devices, said processing unit being capable of executing said instructions; and an execution command unit, whereby operation of said**

instructions and said processing unit may be commanded or controlled' as language processing by a computer (page 46, first full paragraph).

With respect to claims 12 and 28, **Gaizauskas** teaches **'to combine like attributes for the extracted relational fact types produced in performing said extracting relational facts from the free text'** (figures 4-5 and descriptions thereto).

With respect to claims 13 and 31, **Gaizauskas** teaches **'to combine like relational fact types for the extracted relational facts'** (first paragraph of 5.1.2.).

With respect to claims 14 and 30, **Gaizauskas** teaches **'to provide relationships with domain roles applied in performing said extracting relational facts from the free text'** (page 22, last paragraph).

With respect to claims 15 and 29, **Gaizauskas** teaches **'store the relational facts produced in performing said extracting relational facts from the free text'** (introduction first paragraph).

With respect to claims 16 and 32, **Gaizauskas** teaches **'data includes reference information to the original free text'** (figure 3 and accompanying description).

Art Unit: 2167

With respect to claim 17, the limitations of this claim are essentially similar to claim 1 and its depending claims. Therefore, claim 17 is rejected for the same reasons set forth in those claims above. Additionally, **Gaizauskas** teaches '**constructing a library containing extracted attributes**' as an attribute knowledge base (figures 2 and 4).

Conclusion

This prior art made of record and not relied upon is considered most pertinent to applicant's disclosure.

US 6,539,376 B1 of Sundaresan et al.

US 6,601,026 B2 of Appelt et al.

US 4,914,590 A of Loatman et al.

US 2003/0059112 A1 of Loui et al.

US 6,263,335 B1 of Paik et al.

US 6,714,939 B2 of Saldanha et al.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

Art Unit: 2167

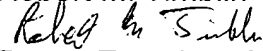
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie Wong

Primary Examiner

Robert M. Timblin


Patent Examiner AU 2167

5/4/06